

REMARKS/ARGUMENTS

Claims **1 - 158** are pending in the present application. No claims have been amended, added or canceled. Reconsideration of the claims is respectfully requested.

I. ELECTION/RESTRICTION

The Examiner asserts that the present application contains claims directed to three patentably distinct species of the claimed invention:

- Group I as drawn to a data processing method for a service contract (see figs 6-10) (claims **1-10, 11-20, 21-25, 26-32, 33-36, 39, 40-42, 43, 44, 84-86, 144-146, 147, 148, 149, 150, 151, 152-154** and **156-158**);
- Group II, as drawn to a data processing system apparatus (see figs. 2 & 5) (claims **45-54, 55-64, 65-69, 70-76, 77-82, 83, 87, 88** and **89-99**); and
- Group III, as drawn to a computer program product embodied on a computer readable medium (see to fig. 3) (**100-109, 110-129, 120-124, 125-131, 132-137, 138, 139-140, 142** and **143**).

Accordingly, the Examiner sees claimed invention drawn to a data processing method for a service contract as a patently distinct from the data processing system apparatus, which the Examiner further asserts are both patentably distinct from the computer program product embodied on a computer readable medium.

The Examiner further requires the Applicant to elect one of the species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (35 U.S.C. 121).

As such, the Examiner requires Applicant's reply to include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.

II. ELECTION UNDER 37 CFR 1.142

Applicant elects the single specie of claim Group I drawn to a data processing method for a service contract as shown in **Figs. 6 – 10**. The data processing method are identified as the following: **1-10, 11-20, 21-25, 26-32, 33-36, 39, 40-42, 43, 44, 84-86, 144-146, 147, 148, 149, 150, 151, 152-154 and 156-158**.

III. REQUEST FOR RECONSIDERATION UNDER CFR 1.143

Applicant reminds the Examiner that in the nearly six years since the filing of the present case, three non-final Office Actions have been issued, and in each Office Action that has presented a rejection, the Examiner has done so by rejecting all claims under a single paragraph. Apparently, the prior art relied on by the Examiner in those rejections implies that the three species not mutually exclusive. Thus, apparently, the Office is under no particular hardship to examiner the claims together.

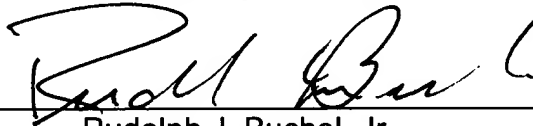
Furthermore, the Examiner's actions have demonstrated that the species are: A) not separate classification, nor has the Examiner shown that the species have attained recognition in the art as a separate subject for inventive effort; B) no separate status in the art (as they species are apparently classifiable together), nor can the species be shown to have formed a separate subject for inventive effort, as only a single inventor is present; and C) no a different field of search between the species.

IV. CONCLUSION

It is respectfully urged that the subject application is patentable over Wagner and Denning and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rudolph J. Buchel, Jr.", is written over a horizontal line.

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